

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC. and  
NICE SYSTEMS LTD.,

*Plaintiffs,*

v.

WITNESS SYSTEMS, INC.,

*Defendant.*

C.A. No. 06-311-JJF

**DEFENDANT WITNESS SYSTEMS, INC.'S MOTION FOR TRANSFER**

Defendant Witness Systems, Inc. hereby respectfully asks that the Court transfer this action to the Northern District of Georgia, pursuant to 28 U.S.C. § 1404(a). Witness Systems, Inc.'s brief in support and accompanying supporting exhibits are filed contemporaneously herewith.

Dated: June 29, 2006

FISH & RICHARDSON P.C.

By: /s/ William J. Marsden, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of June, 2006, I electronically filed with the Clerk of Court the attached DEFENDANT WITNESS SYSTEMS, INC.'S MOTION FOR TRANSFER using CM/ECF which will send electronic notification of such filing(s) to the following attorneys of record. In addition, the filing will also be sent at the following addresses in the manner indicated below:

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NICE SYSTEMS LTD. AND  
NICE SYSTEMS, INC.

/s/ Kyle Wagner Compton

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RULE 7.1.1 CERTIFICATION

Pursuant to D. Del. Local Rule 7.1.1, Witness Systems, Inc. certifies that it has asked plaintiffs NICE Systems, Inc. and NICE Systems Ltd. (collectively, "NICE") to consent to the transfer of this action to the Northern District of Georgia, and that NICE has declined to consent to such transfer.

/s/ Kyle Wagner Compton  
Kyle Wagner Compton (#4693)

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**[PROPOSED] ORDER**

The Court, having considered Defendant Witness Systems, Inc.'s Motion for Transfer and its supporting papers, and having considered the parties' arguments with regard to that motion, rules as follows:

Defendant Witness Systems, Inc.'s Motion for Transfer is GRANTED.

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006 that this action is transferred to the Northern District of Georgia.

\_\_\_\_\_  
Hon. Joseph J. Farnan, Jr.  
United States District Judge